

PLEASE NOTE: In most BUT NOT ALL instances, the page and line numbering of bills on this web site correspond to the page and line numbering of the official printed version of the bills.

House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

HOUSE CONCURRENT RESOLUTION 2004

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1, CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; REPEALING ARTICLE V, SECTION 1, CONSTITUTION OF ARIZONA, AS AMENDED BY 1991 HOUSE CONCURRENT RESOLUTION 2001 AND DESIGNATED AS PROPOSITION 100; AMENDING ARTICLE V, SECTION 1, CONSTITUTION OF ARIZONA, AS AMENDED BY A 1992 INITIATIVE MEASURE DESIGNATED AS PROPOSITION 107; AMENDING ARTICLE V, SECTIONS 6, 7, 9, 10, 11 AND 12, CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTIONS 26 AND 38, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XII, SECTION 5, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XIII, SECTION 2, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XXI, SECTION 1, CONSTITUTION OF ARIZONA; COMBINING MULTIPLE ENACTMENTS; RELATING TO THE OFFICE OF LIEUTENANT GOVERNOR.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Article IV, part 1, section 1, Constitution of Arizona, is proposed
4 to be amended as follows if approved by the voters and on proclamation of the
5 Governor:

6 1. Legislative authority; initiative and referendum

7 Section 1. (1) Senate; house of representatives;
8 reservation of power to people. The legislative authority of
9 the state shall be vested in the legislature, consisting of a
10 senate and a house of representatives, but the people reserve
11 the power to propose laws and amendments to the constitution and
12 to enact or reject such laws and amendments at the polls,
13 independently of the legislature; and they also reserve, for use
14 at their own option, the power to approve or reject at the polls
15 any act, or item, section, or part of any act, of the
16 legislature.

17 (2) Initiative power. The first of these reserved powers
18 is the initiative. Under this power ten per ~~centum~~ CENT of the
19 qualified electors shall have the right to propose any measure,
20 and fifteen per ~~centum~~ CENT shall have the right to propose any
21 amendment to the constitution.

22 (3) Referendum power; emergency measures; effective date
23 of acts. The second of these reserved powers is the referendum.
24 Under this power the legislature, or five per ~~centum~~ CENT of the
25 qualified electors, may order the submission to the people at
26 the polls of any measure, or item, section, or part of any
27 measure, enacted by the legislature, except laws immediately
28 necessary for the preservation of the public peace, health, or
29 safety, or for the support and maintenance of the departments of
30 the state government and state institutions; but to allow
31 opportunity for referendum petitions, no act passed by the
32 legislature shall be operative for ninety days after the close
33 of the session of the legislature enacting such measure, except
34 such as require earlier operation to preserve the public peace,
35 health, or safety, or to provide appropriations for the support
36 and maintenance of the departments of the state and of state
37 institutions; provided, that no such emergency measure shall be
38 considered passed by the legislature unless it shall state in a
39 separate section why it is necessary that it shall become
40 immediately operative, and shall be approved by the affirmative
41 votes of two-thirds of the members elected to each house of the
42 legislature, taken by roll call of ayes and nays, and also
43 approved by the governor; and should such measure be vetoed by
44 the governor, it shall not become a law unless it shall be
45 approved by the votes of three-fourths of the members elected to

1 each house of the legislature, taken by roll call of ayes and
2 nays.

3 (4) Initiative and referendum petitions; filing. All
4 petitions submitted under the power of the initiative shall be
5 known as initiative petitions, and shall be filed with the
6 ~~secretary of state~~ **LIEUTENANT GOVERNOR** not less than four months
7 preceding the date of the election at which the measures so
8 proposed are to be voted upon. All petitions submitted under
9 the power of the referendum shall be known as referendum
10 petitions, and shall be filed with the ~~secretary of state~~
11 **LIEUTENANT GOVERNOR** not more than ninety days after the final
12 adjournment of the session of the legislature which shall have
13 passed the measure to which the referendum is applied. The
14 filing of a referendum petition against any item, section, or
15 part of any measure shall not prevent the remainder of such
16 measure from becoming operative.

17 (5) Effective date of initiative and referendum measures.
18 Any measure or amendment to the constitution proposed under the
19 initiative, and any measure to which the referendum is applied,
20 shall be referred to a vote of the qualified electors, and shall
21 become law when approved by a majority of the votes cast thereon
22 and upon proclamation of the governor, and not otherwise.

23 (6) (A) Veto of initiative or referendum. The veto
24 power of the governor shall not extend to an initiative measure
25 approved by a majority of the votes cast thereon or to a
26 referendum measure decided by a majority of the votes cast
27 thereon.

28 ~~(6)~~ (B) Legislature's power to repeal initiative or
29 referendum. The legislature shall not have the power to repeal
30 an initiative measure approved by a majority of the votes cast
31 thereon or to repeal a referendum measure decided by a majority
32 of the votes cast thereon.

33 ~~(6)~~ (C) Legislature's power to amend initiative or
34 referendum. The legislature shall not have the power to amend
35 an initiative measure approved by a majority of the votes cast
36 thereon, or to amend a referendum measure decided by a majority
37 of the votes cast thereon, unless the amending legislation
38 furthers the purposes of such measure and at least three-fourths
39 of the members of each house of the legislature, by a roll call
40 of ayes and nays, vote to amend such measure.

41 ~~(6)~~ (D) Legislature's power to appropriate or divert
42 funds created by initiative or referendum. The legislature
43 shall not have the power to appropriate or divert funds created
44 or allocated to a specific purpose by an initiative measure
45 approved by a majority of the votes cast thereon, or by a

1 referendum measure decided by a majority of the votes cast
2 thereon, unless the appropriation or diversion of funds furthers
3 the purposes of such measure and at least three-fourths of the
4 members of each house of the legislature, by a roll call of ayes
5 and nays, vote to appropriate or divert such funds.

6 (7) Number of qualified electors. The whole number of
7 votes cast for all candidates for governor at the general
8 election last preceding the filing of any initiative or
9 referendum petition on a state or county measure shall be the
10 basis on which the number of qualified electors required to sign
11 such petition shall be computed.

12 (8) Local, city, town or county matters. The powers of
13 the initiative and the referendum are hereby further reserved to
14 the qualified electors of every incorporated city, town, and
15 county as to all local, city, town, or county matters on which
16 such incorporated cities, towns, and counties are or shall be
17 empowered by general laws to legislate. Such incorporated
18 cities, towns, and counties may prescribe the manner of
19 exercising said powers within the restrictions of general laws.
20 Under the power of the initiative fifteen per ~~centum~~ CENT of the
21 qualified electors may propose measures on such local, city,
22 town, or county matters, and ten per ~~centum~~ CENT of the electors
23 may propose the referendum on legislation enacted within and by
24 such city, town, or county. Until provided by general law, said
25 cities and towns may prescribe the basis on which said
26 percentages shall be computed.

27 (9) Form and contents of initiative and of referendum
28 petitions; verification. Every initiative or referendum
29 petition shall be addressed to the ~~secretary of state~~ LIEUTENANT
30 GOVERNOR in the case of petitions for or on state measures, and
31 to the clerk of the board of supervisors, city clerk, or
32 corresponding officer in the case of petitions for or on county,
33 city, or town measures; and shall contain the declaration of
34 each petitioner, for himself, that he is a qualified elector of
35 the state (and in the case of petitions for or on city, town, or
36 county measures, of the city, town, or county affected), his
37 post office address, the street and number, if any, of his
38 residence, and the date on which he signed such petition. Each
39 sheet containing petitioners' signatures shall be attached to a
40 full and correct copy of the title and text of the measure so
41 proposed to be initiated or referred to the people, and every
42 sheet of every such petition containing signatures shall be
43 verified by the affidavit of the person who circulated said
44 sheet or petition, setting forth that each of the names on said
45 sheet was signed in the presence of the affiant and that in the

1 belief of the affiant each signer was a qualified elector of the
2 state, or in the case of a city, town, or county measure, of the
3 city, town, or county affected by the measure so proposed to be
4 initiated or referred to the people.

5 (10) Official ballot. When any initiative or referendum
6 petition or any measure referred to the people by the
7 legislature shall be filed, in accordance with this section,
8 with the ~~secretary of state~~ LIEUTENANT GOVERNOR, he shall cause
9 to be printed on the official ballot at the next regular general
10 election the title and number of said measure, together with the
11 words "yes" and "no" in such manner that the electors may
12 express at the polls their approval or disapproval of the
13 measure.

14 (11) Publication of measures. The text of all measures to
15 be submitted shall be published as proposed amendments to the
16 constitution are published, and in submitting such measures and
17 proposed amendments the ~~secretary of state~~ LIEUTENANT GOVERNOR
18 and all other officers shall be guided by the general law until
19 legislation shall be especially provided therefor.

20 (12) Conflicting measures or constitutional amendments. If
21 two or more conflicting measures or amendments to the
22 constitution shall be approved by the people at the same
23 election, the measure or amendment receiving the greatest number
24 of affirmative votes shall prevail in all particulars as to
25 which there is conflict.

26 (13) Canvass of votes; proclamation. It shall be the duty
27 of the ~~secretary of state~~ LIEUTENANT GOVERNOR, in the presence
28 of the governor and the chief justice of the supreme court, to
29 canvass the votes for and against each such measure or proposed
30 amendment to the constitution within thirty days after the
31 election, and upon the completion of the canvass the governor
32 shall forthwith issue a proclamation, giving the whole number of
33 votes cast for and against each measure or proposed amendment,
34 and declaring such measures or amendments as are approved by a
35 majority of those voting thereon to be law.

36 (14) Reservation of legislative power. This section
37 shall not be construed to deprive the legislature of the right
38 to enact any measure except that the legislature shall not have
39 the power to adopt any measure that supersedes, in whole or in
40 part, any initiative measure approved by a majority of the votes
41 cast thereon or any referendum measure decided by a majority of
42 the votes cast thereon unless the superseding measure furthers
43 the purposes of the initiative or referendum measure and at
44 least three-fourths of the members of each house of the

1 legislature, by a roll call of ayes and nays, vote to supersede
2 such initiative or referendum measure.

3 (15) Legislature's right to refer measure to the people.
4 Nothing in this section shall be construed to deprive or limit
5 the legislature of the right to order the submission to the
6 people at the polls of any measure, item, section, or part of
7 any measure.

8 (16) Self-executing. This section of the constitution
9 shall be, in all respects, self-executing.

10 2. Article IV, part 2, section 1, Constitution of Arizona, is proposed
11 to be amended as follows if approved by the voters and on proclamation of the
12 Governor:

- 13 1. Senate; house of representatives; members; special
14 session upon petition of members; congressional
15 and legislative boundaries; citizen commissions

16 Section 1. (1) The senate shall be composed of one member
17 elected from each of the thirty legislative districts
18 established pursuant to this section. The house of
19 representatives shall be composed of two members elected from
20 each of the thirty legislative districts established pursuant to
21 this section.

22 (2) Upon the presentation to the governor of a petition
23 bearing the signatures of not less than two-thirds of the
24 members of each house, requesting a special session of the
25 legislature and designating the date of convening, the governor
26 shall promptly call a special session to assemble on the date
27 specified. At a special session so called the subjects which
28 may be considered by the legislature shall not be limited.

29 (3) By February 28 of each year that ends in one, an
30 independent redistricting commission shall be established to
31 provide for the redistricting of congressional and state
32 legislative districts. The independent redistricting commission
33 shall consist of five members. No more than two members of the
34 independent redistricting commission shall be members of the
35 same political party. Of the first four members appointed, no
36 more than two shall reside in the same county. Each member shall
37 be a registered Arizona voter who has been continuously
38 registered with the same political party or registered as
39 unaffiliated with a political party for three or more years
40 immediately preceding appointment, who is committed to applying
41 the provisions of this section in an honest, independent and
42 impartial fashion and to upholding public confidence in the
43 integrity of the redistricting process. Within the three years
44 previous to appointment, members shall not have been appointed
45 to, elected to, — or a candidate for any other public office,

1 including precinct committeeman or committeewoman but not
2 including school board member or officer, and shall not have
3 served as an officer of a political party, or served as a
4 registered paid lobbyist or as an officer of a candidate's
5 campaign committee.

6 (4) The commission on appellate court appointments shall
7 nominate candidates for appointment to the independent
8 redistricting commission, except that, if a politically balanced
9 commission exists whose members are nominated by the commission
10 on appellate court appointments and whose regular duties relate
11 to the elective process, the commission on appellate court
12 appointments may delegate to such existing commission
13 (hereinafter called the commission on appellate court
14 appointments' designee) the duty of nominating members for the
15 independent redistricting commission, and all other duties
16 assigned to the commission on appellate court appointments in
17 this section.

18 (5) By January 8 of years ending in one, the commission
19 on appellate court appointments or its designee shall establish
20 a pool of persons who are willing to serve on and are qualified
21 for appointment to the independent redistricting commission. The
22 pool of candidates shall consist of twenty-five nominees, with
23 ten nominees from each of the two largest political parties in
24 Arizona based on party registration, and five who are not
25 registered with either of the two largest political parties in
26 Arizona.

27 (6) Appointments to the independent redistricting
28 commission shall be made in the order set forth below. No later
29 than January 31 of years ending in one, the highest ranking
30 officer elected by the Arizona house of representatives shall
31 make one appointment to the independent redistricting commission
32 from the pool of nominees, followed by one appointment from the
33 pool made in turn by each of the following: the minority party
34 leader of the Arizona house of representatives, the highest
35 ranking officer elected by the Arizona senate, and the minority
36 party leader of the Arizona senate. Each such official shall
37 have a seven-day period in which to make an appointment. Any
38 official who fails to make an appointment within the specified
39 time period will forfeit the appointment privilege. In the event
40 that there are two or more minority parties within the house or
41 the senate, the leader of the largest minority party by
42 statewide party registration shall make the appointment.

43 (7) Any vacancy in the above four independent
44 redistricting commission positions remaining as of March 1 of a
45 year ending in one shall be filled from the pool of nominees by

1 the commission on appellate court appointments or its designee.
2 The appointing body shall strive for political balance and
3 fairness.

4 (8) At a meeting called by the ~~secretary of state~~
5 **LIEUTENANT GOVERNOR**, the four independent redistricting
6 commission members shall select by majority vote from the
7 nomination pool a fifth member who shall not be registered with
8 any party already represented on the independent redistricting
9 commission and who shall serve as chair. If the four
10 commissioners fail to appoint a fifth member within fifteen
11 days, the commission on appellate court appointments or its
12 designee, striving for political balance and fairness, shall
13 appoint a fifth member from the nomination pool, who shall serve
14 as chair.

15 (9) The five commissioners shall then select by majority
16 vote one of their members to serve as vice-chair.

17 (10) After having been served written notice and provided
18 with an opportunity for a response, a member of the independent
19 redistricting commission may be removed by the governor, with
20 the concurrence of two-thirds of the senate, for substantial
21 neglect of duty, gross misconduct in office, or inability to
22 discharge the duties of office.

23 (11) If a commissioner or chair does not complete the
24 term of office for any reason, the commission on appellate court
25 appointments or its designee shall nominate a pool of three
26 candidates within the first thirty days after the vacancy
27 occurs. The nominees shall be of the same political party or
28 status as was the member who vacated the office at the time of
29 his or her appointment, and the appointment other than the chair
30 shall be made by the current holder of the office designated to
31 make the original appointment. The appointment of a new chair
32 shall be made by the remaining commissioners. If the appointment
33 of a replacement commissioner or chair is not made within
34 fourteen days following the presentation of the nominees, the
35 commission on appellate court appointments or its designee shall
36 make the appointment, striving for political balance and
37 fairness. The newly appointed commissioner shall serve out the
38 remainder of the original term.

39 (12) Three commissioners, including the chair or
40 vice-chair, constitute a quorum. Three or more affirmative votes
41 are required for any official action. Where a quorum is present,
42 the independent redistricting commission shall conduct business
43 in meetings open to the public, with ~~48~~ **FORTY-EIGHT** or more
44 hours public notice provided.

1 (13) A commissioner, during the commissioner's term of
2 office and for three years thereafter, shall be ineligible for
3 Arizona public office or for registration as a paid lobbyist.

4 (14) The independent redistricting commission shall
5 establish congressional and legislative districts. The
6 commencement of the mapping process for both the congressional
7 and legislative districts shall be the creation of districts of
8 equal population in a grid-like pattern across the state.
9 Adjustments to the grid shall then be made as necessary to
10 accommodate the goals as set forth below:

11 ~~A.~~ (a) Districts shall comply with the United States
12 Constitution and the United States voting rights act. ~~;~~

13 ~~B.~~ (b) Congressional districts shall have equal
14 population to the extent practicable, and state legislative
15 districts shall have equal population to the extent
16 practicable. ~~;~~

17 ~~C.~~ (c) Districts shall be geographically compact and
18 contiguous to the extent practicable. ~~;~~

19 ~~D.~~ (d) District boundaries shall respect communities of
20 interest to the extent practicable. ~~;~~

21 ~~E.~~ (e) To the extent practicable, district lines shall
22 use visible geographic features, city, town and county
23 boundaries, ~~;~~ and undivided census tracts. ~~;~~

24 ~~F.~~ (f) To the extent practicable, competitive districts
25 should be favored where to do so would create no significant
26 detriment to the other goals.

27 (15) Party registration and voting history data shall be
28 excluded from the initial phase of the mapping process but may
29 be used to test maps for compliance with the above goals. The
30 places of residence of incumbents or candidates shall not be
31 identified or considered.

32 (16) The independent redistricting commission shall
33 advertise a draft map of congressional districts and a draft map
34 of legislative districts to the public for comment, which
35 comment shall be taken for at least thirty days. Either or both
36 bodies of the legislature may act within this period to make
37 recommendations to the independent redistricting commission by
38 memorial or by minority report, which recommendations shall be
39 considered by the independent redistricting commission. The
40 independent redistricting commission shall then establish final
41 district boundaries.

42 (17) The provisions regarding this section are
43 self-executing. The independent redistricting commission shall
44 certify to the ~~secretary of state~~ **LIEUTENANT GOVERNOR** the
45 establishment of congressional and legislative districts.

1 (18) Upon approval of this amendment, the department of
2 administration or its successor shall make adequate office space
3 available for the independent redistricting commission. The
4 treasurer of the state shall make \$6,000,000 available for the
5 work of the independent redistricting commission pursuant to the
6 year 2000 census. Unused monies shall be returned to the state's
7 general fund. In years ending in eight or nine after the year
8 2001, the department of administration or its successor shall
9 submit to the legislature a recommendation for an appropriation
10 for adequate redistricting expenses and shall make available
11 adequate office space for the operation of the independent
12 redistricting commission. The legislature shall make the
13 necessary appropriations by a majority vote.

14 (19) The independent redistricting commission, with
15 fiscal oversight from the department of administration or its
16 successor, shall have procurement and contracting authority and
17 may hire staff and consultants for the purposes of this section,
18 including legal representation.

19 (20) The independent redistricting commission shall have
20 standing in legal actions regarding the redistricting plan and
21 the adequacy of resources provided for the operation of the
22 independent redistricting commission. The independent
23 redistricting commission shall have sole authority to determine
24 whether the Arizona attorney general or counsel hired or
25 selected by the independent redistricting commission shall
26 represent the people of Arizona in the legal defense of a
27 redistricting plan.

28 (21) Members of the independent redistricting commission
29 are eligible for reimbursement of expenses pursuant to law, and
30 a member's residence is deemed to be the member's post of duty
31 for purposes of reimbursement of expenses.

32 (22) Employees of the department of administration or its
33 successor shall not influence or attempt to influence the
34 district-mapping decisions of the independent redistricting
35 commission.

36 (23) Each commissioner's duties established by this
37 section expire upon the appointment of the first member of the
38 next redistricting commission. The independent redistricting
39 commission shall not meet or incur expenses after the
40 redistricting plan is completed, except if litigation or any
41 government approval of the plan is pending, or to revise
42 districts if required by court decisions or if the number of
43 congressional or legislative districts is changed.

1 3. Article V, section 1, Constitution of Arizona, as amended by 1991
2 house concurrent resolution 2001 and designated as ballot proposition 100, is
3 proposed to be repealed as follows if approved by the voters and on
4 proclamation of the Governor:

5 Article V, section 1, Constitution of Arizona, as amended
6 by 1991 house concurrent resolution 2001 and designated as
7 ballot proposition 100, is repealed.

8 4. Article V, section 1, Constitution of Arizona, as amended by a 1992
9 initiative measure designated as ballot proposition 107, is proposed to be
10 amended as follows if approved by the voters and on proclamation of the
11 Governor:

12 1. Term limits on executive department and state
13 officers; term lengths; election; residence and
14 office at seat of government; duties

15 Section 1. A. The executive department shall consist of
16 the governor, ~~secretary of state~~ LIEUTENANT GOVERNOR, state
17 treasurer, attorney general,— and superintendent of public
18 instruction, each of whom shall hold office for a term of four
19 years beginning on the first Monday of January, 1971 next after
20 the regular general election in 1970. No member of the
21 executive department shall hold that office for more than two
22 consecutive terms. This limitation on the number of terms of
23 consecutive service shall apply to terms of office beginning on
24 or after January 1, 1993. No member of the executive department
25 after serving the maximum number of terms, which shall include
26 any part of a term served, may serve in the same office until
27 out of office for no less than one full term.

28 B. The person having ~~a majority~~ THE HIGHEST NUMBER of the
29 votes cast for the office voted for shall be elected. ~~If no~~
30 ~~person receives a majority of the votes cast for the office, a~~
31 ~~second election shall be held as prescribed by law between the~~
32 ~~persons receiving the highest and second highest number of votes~~
33 ~~cast for the office. The person receiving the highest number of~~
34 ~~votes at the second election for the office is elected~~, but if
35 ~~the~~ two OR MORE persons have an equal AND THE HIGHEST number of
36 votes for the office, the two houses of the legislature at its
37 next regular session shall elect forthwith, by joint ballot, one
38 of such persons for said office.

39 C. The officers of the executive department during their
40 terms of office shall reside at the seat of government where
41 they shall keep their offices and the public records, books,
42 and papers. They shall perform such duties as are prescribed by
43 the constitution and as may be provided by law.

1 5. Article 5, section 6, Constitution of Arizona, is proposed to be
2 amended as follows if approved by the voters and on proclamation of the
3 Governor:

4 6. Death, resignation, removal or disability of
5 governor; succession to office; impeachment,
6 absence from state or temporary disability

7 Section 6. A. In the event of the death of the governor,
8 or his resignation, removal from office,~~—~~ or permanent
9 disability to discharge the duties of the office, the ~~secretary~~
10 ~~of state~~ LIEUTENANT GOVERNOR, if holding by election, shall
11 succeed to the office of governor until his successor shall be
12 elected and shall qualify. If the ~~secretary of state be~~
13 LIEUTENANT GOVERNOR IS holding otherwise than by election, or
14 ~~shall fail~~ FAILS to qualify as governor, the attorney general,
15 the state treasurer,~~—~~ or the superintendent of public
16 instruction, if holding by election, shall, in the order named,
17 succeed to the office of governor. The taking of the oath of
18 office as governor by any person specified in this section shall
19 constitute resignation from the office by virtue of the holding
20 of which he qualifies as governor. Any successor to the office
21 shall become governor in fact and entitled to all of the
22 emoluments, powers and duties of governor upon taking the oath
23 of office.

24 B. In the event of the impeachment of the governor, his
25 absence from the state,~~—~~ or other temporary disability to
26 discharge the duties of the office, the powers and duties of the
27 office of governor shall devolve upon the same person as in case
28 of vacancy, but only until the disability ceases.

29 6. Article V, section 7, Constitution of Arizona, is proposed to be
30 amended as follows if approved by the voters and on proclamation of the
31 Governor:

32 7. Presentation of bills to governor; approval; veto;
33 filing with lieutenant governor; veto of items
34 in appropriation bills; inapplication of veto
35 power to referred bills

36 Section 7. A. Every bill passed by the legislature,
37 before it becomes a law, shall be presented to the governor. If
38 he ~~approve~~ APPROVES, he shall sign it, and it shall become a law
39 as provided in this constitution. But if he ~~disapprove~~
40 DISAPPROVES, he shall return it, with his objections, to the
41 house in which it originated, which shall enter the objections
42 at large on the journal. If after reconsideration it again
43 passes both houses by an aye and nay vote on roll call of two-
44 thirds of the members elected to each house, it shall become a
45 law as provided in this constitution, notwithstanding the

governor's objections. This section shall not apply to emergency measures as referred to in section 1 of the article on the legislative department.

B. If any bill ~~be~~ IS not returned within five days after it shall have been presented to the governor (Sunday excepted) such bill shall become a law in like manner as if he had signed it, unless the legislature by its final adjournment prevents its return, in which case it shall be filed with his objections in the office of the ~~secretary of state~~ LIEUTENANT GOVERNOR within ten days after such adjournment (Sundays excepted) or become a law as provided in this constitution. After the final action by the governor, or following the adoption of a bill notwithstanding his objection, it shall be filed with the ~~secretary of state~~ LIEUTENANT GOVERNOR.

C. If any bill presented to the governor contains several items of appropriations of money, he may object to one or more of such items, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the item or items which he declines to approve, together with his reasons therefor, and such item or items shall not take effect unless passed over the governor's objections as in this section provided.

D. The veto power of the governor shall not extend to any bill passed by the legislature and referred to the people for adoption or rejection.

7. Article V, section 9, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

9. Powers and duties of state officers

Section 9. The powers and duties of ~~secretary of state~~ LIEUTENANT GOVERNOR, state treasurer, ~~attorney-general~~ ATTORNEY GENERAL, and superintendent of public instruction shall be as prescribed by law.

8. Article V, section 10, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

10. Canvass of election returns for state officers; certificates of election

Section 10. The returns of the election for all state officers shall be canvassed, and certificates of election issued by the ~~secretary of state~~ LIEUTENANT GOVERNOR, in such manner as may be provided by law.

9. Article V, section 11, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

11. Commissions

Section 11. All commissions shall issue in the name of the state, and shall be signed by the governor, sealed with the seal of the state, and attested by the ~~secretary of state~~ LIEUTENANT GOVERNOR.

10. Article V, section 12, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

12. Compensation of elective state officers;
commission on salaries for elective state
officers

Section 12. A. The salaries of those holding elective state offices shall be as established by law from time to time, subject to the limitations of article ~~6~~ VI, section 33 and to the limitations of article ~~4~~ IV, part 2, section 17. Such salaries as are presently established may be altered from time to time by the procedure established in this section or as otherwise provided by law, except that legislative salaries may be altered only by the procedures established in this section.

B. A commission to be known as the commission on salaries for elective state officers is authorized to be established by the legislature. The commission shall be composed of five members appointed from private life, two of whom shall be appointed by the governor and one each by the president of the senate, the speaker of the house of representatives, ~~and~~ the chief justice. At such times as may be directed by the legislature, the commission shall report to the governor with recommendations concerning the rates of pay of elected state officers. The governor shall upon the receipt of such report make recommendations to the legislature with respect to the exact rates of pay which he deems advisable for those offices and positions other than for the rates of pay of members of the legislature. Such recommendations shall become effective at a time established by the legislature after the transmission of the recommendation of the governor without aid of further legislative action unless, within such period of time, there has been enacted into law a statute which establishes rates of pay other than those proposed by the governor, or unless either house of the legislature specifically disapproves all or part of the governor's recommendation. The recommendations of the governor, unless disapproved or altered within the time provided by law, shall be effective~~;~~, and any 1971 recommendations shall be effective as to all offices on the first Monday in January of 1973. In case of either a legislative enactment or disapproval by either house, the recommendations shall be effective only

1 insofar as not altered or disapproved. The recommendations of
2 the commission as to legislative salaries shall be certified by
3 it to the ~~secretary of state~~ LIEUTENANT GOVERNOR and the
4 ~~secretary of state~~ LIEUTENANT GOVERNOR shall submit to the
5 qualified electors at the next regular general election the
6 question, "Shall the recommendations of the commission on
7 salaries for elective state officers concerning legislative
8 salaries be accepted? [] Yes [] No." Such recommendations
9 if approved by the electors shall become effective at the
10 beginning of the next regular legislative session without any
11 other authorizing legislation. All recommendations which become
12 effective under this section shall supersede all laws enacted
13 prior to their effective date relating to such salaries.

14 11. Article VI, section 26, Constitution of Arizona, is proposed to be
15 amended as follows if approved by the voters and on proclamation of the
16 Governor:

17 26. Oath of office

18 Section 26. A. Each justice, judge and justice of the
19 peace shall, before entering upon the duties of his office, take
20 and subscribe an oath that he will support the Constitution of
21 the United States and the Constitution of the State of Arizona,
22 and that he will faithfully and impartially discharge the duties
23 of his office to the best of his ability.

24 B. The oath of all judges of courts inferior to the
25 superior court and the oath of justices of the peace shall be
26 filed in the office of the county recorder, and the oath of all
27 other justices and judges shall be filed in the office of the
28 ~~secretary of state~~ LIEUTENANT GOVERNOR.

29 12. Article VI, section 38, Constitution of Arizona, is proposed to be
30 amended as follows if approved by the voters and on proclamation of the
31 Governor:

32 38. Declaration of candidacy; form of judicial
33 ballot, rejection and retention; failure to
34 file declaration

35 Section 38. A. A justice or judge of the supreme court or
36 an intermediate appellate court shall file in the office of the
37 ~~secretary of state~~ LIEUTENANT GOVERNOR, and a judge of the
38 superior court or other court of record including such justices
39 or judges who are holding office as such by election or
40 appointment at the time of the adoption of this section except
41 for judges of the superior court and other courts of record
42 inferior to the superior court in counties having a population
43 of less than two hundred fifty thousand persons, according to
44 the United States census, shall file in the office of the clerk
45 of the board of supervisors of the county in which he regularly

1 sits and resides, not less than sixty nor more than ninety days
2 prior to the regular general election next preceding the
3 expiration of his term of office, a declaration of his desire to
4 be retained in office, and the ~~secretary of state~~ **LIEUTENANT**
5 **GOVERNOR** shall certify to the several boards of supervisors the
6 appropriate names of the candidate or candidates appearing on
7 such declarations filed in his office.

8 B. The name of any justice or judge whose declaration is
9 filed as provided in this section shall be placed on the
10 appropriate official ballot at the next regular general election
11 under a nonpartisan designation and in substantially the
12 following form:

13 Shall _____, (Name of justice or judge) of the
14 _____ court be retained in office? Yes ___ No ___ (Mark X
15 after one).

16 C. If a majority of those voting on the question votes
17 "No," ~~then~~, upon the expiration of the term for which such
18 justice or judge was serving, a vacancy shall exist, which shall
19 be filled as provided by this article. If a majority of those
20 voting on the question votes "Yes," such justice or judge shall
21 remain in office for another term, subject to removal as
22 provided by this constitution.

23 D. The votes shall be counted and canvassed and the
24 result declared as in the case of state and county elections,
25 whereupon a certificate of retention or rejection of the
26 incumbent justice or judge shall be delivered to him by the
27 ~~secretary of state~~ **LIEUTENANT GOVERNOR** or the clerk of the board
28 of supervisors, as the case may be.

29 E. If a justice or judge fails to file a declaration of
30 his desire to be retained in office, as required by this
31 section, then his office shall become vacant upon expiration of
32 the term for which such justice or judge was serving.

33 13. Article XII, section 5, Constitution of Arizona, is proposed to be
34 amended as follows if approved by the voters and on proclamation of the
35 Governor:

36 5. Charter committee; charter preparation; approval

37 Section 5. A. The board of supervisors of any county
38 with a population of more than five hundred thousand persons as
39 determined by the most recent United States decennial or special
40 census may call for an election to cause a charter committee to
41 be elected by the qualified electors of that county at any
42 time. Alternatively, the board of supervisors of any county
43 with a population of more than five hundred thousand persons as
44 determined by the most recent United States decennial or special
45 census shall call for the election of the charter committee

1 within ten days after receipt by the clerk of the board of
2 supervisors of a petition that demands the election and that is
3 signed by a number of qualified electors of the county at least
4 equal to ten per cent of the total number of ballots cast for
5 all candidates for governor or presidential electors in the
6 county at the last preceding general election. The election
7 shall be held at least one hundred days but not more than one
8 hundred twenty days after the call for the election. Except as
9 otherwise provided in this section, for elections held under
10 this section or section 6 of this article, the manner of
11 conducting and voting at an election, contesting an election,
12 canvassing votes and certifying returns shall be the same, as
13 nearly as practicable, as in elections for county officers.

14 B. At the election a vote shall be taken to elect members
15 of the charter committee who will function if further
16 proceedings are authorized and the ballot shall contain the
17 question of whether further proceedings toward adopting a
18 charter shall be authorized pursuant to the call for the
19 election. Unless a majority of the qualified electors voting on
20 the question votes to authorize further proceedings, the
21 election of members of the charter committee shall be
22 invalidated and no further proceedings may be had except
23 pursuant to a subsequent call pursuant to subsection A **OF THIS**
24 **SECTION**.

25 C. The charter committee shall be composed of fifteen
26 qualified electors of the county elected by supervisorial
27 district with the same number serving from each district. A
28 nomination petition for election to the charter committee shall
29 be made available by the clerk of the board of supervisors and
30 shall be signed by a number of qualified electors of the
31 supervisorial district who are eligible to vote for the nominee
32 at least equal to one per cent of the total number of ballots
33 cast for all candidates for governor or presidential electors in
34 the supervisorial district at the last preceding general
35 election, and filed with the clerk not later than sixty days
36 before the election. All qualified electors of the county,
37 including all elected public officials, are eligible to seek
38 election to the charter committee.

39 D. Within one hundred eighty days after the election the
40 charter committee shall prepare and submit a proposed charter
41 for the county. The proposed charter shall be signed by a
42 majority of the members of the committee and filed with the
43 clerk of the board of supervisors, after which the charter
44 committee shall be dissolved. The county shall then publish the
45 proposed charter in the official newspaper of the county at

1 least once a week for three consecutive weeks. The first
2 publication shall be made within twenty days after the proposed
3 charter is filed with the clerk of the board of supervisors.

4 E. At least forty-five days but not more than sixty days
5 after final publication, the proposed charter shall be submitted
6 to the vote of the qualified electors of the county at a general
7 or special election. If a general election will be held within
8 ninety days after final publication, the charter shall be
9 submitted at that general election. The full text of the
10 proposed charter shall be printed in a publicity pamphlet and
11 mailed to each household containing a registered voter at least
12 eleven days before the charter election and the ballot may
13 contain only a summary of the proposed charter provisions. The
14 ballot shall contain a question regarding approval of the
15 proposed charter and the questions pertaining to taxation
16 authority and appointment of officers, if any, provided for in
17 sections 7 and 8 of this article.

18 F. If a majority of the qualified electors voting
19 ratifies the proposed charter, a copy of the charter, together
20 with a statement setting forth the submission of the charter to
21 the qualified electors and its ratification by them, shall be
22 certified by the clerk of the board of supervisors and shall be
23 submitted to the governor for approval. The governor shall
24 approve the charter within thirty days after its submission if
25 it is not in conflict with, or states that in the event of a
26 conflict is subject to, this constitution and the laws of this
27 state. On approval, the charter becomes the organic law of the
28 county, and certified copies of the charter shall be filed in
29 the office of the ~~secretary of state~~ LIEUTENANT GOVERNOR and
30 with the clerk of the board of supervisors after being recorded
31 in the office of the county recorder. Thereafter all courts
32 shall take judicial notice of the charter.

33 14. Article XIII, section 2, Constitution of Arizona, is proposed to be
34 amended as follows if approved by the voters and on proclamation of the
35 Governor:

36 2. Charter; preparation and proposal by board of
37 freeholders; ratification and approval;
38 amendment

39 Section 2. A. Any city containing, now or hereafter, a
40 population of more than three thousand five hundred may frame a
41 charter for its own government consistent with, and subject to,
42 the Constitution and the laws of the state, in the following
43 manner: A board of freeholders composed of fourteen qualified
44 electors of said city may be elected at large by the qualified
45 electors thereof, at a general or special election, whose duty

1 it shall be, within ninety days after such election, to prepare
2 and propose a charter for such city. Such proposed charter
3 shall be signed in duplicate by the members of such board, or a
4 majority of them, and filed, one copy of said proposed charter
5 with the chief executive officer of such city and the other with
6 the county recorder of the county in which said city shall be
7 situated. Such proposed charter shall then be published in one
8 or more newspapers published, and of general circulation, within
9 said city for at least twenty-one days if in a daily paper, or
10 in three consecutive issues if in a weekly paper, and the first
11 publication shall be made within twenty days after the
12 completion of the proposed charter. Within thirty days, and not
13 earlier than twenty days, after such publication, said proposed
14 charter shall be submitted to the vote of the qualified electors
15 of said city at a general or special election. If a majority of
16 such qualified electors voting thereon shall ratify such
17 proposed charter, it shall thereupon be submitted to the
18 governor for his approval, and the governor shall approve it if
19 it shall not be in conflict with this Constitution or with the
20 laws of the state. Upon such approval said charter shall become
21 the organic law of such city and supersede any charter then
22 existing (and all amendments thereto), and all ordinances
23 inconsistent with said new charter. A copy of such charter,
24 certified by the chief executive officer, and authenticated by
25 the seal, of such city, together with a statement similarly
26 certified and authenticated setting forth the submission of such
27 charter to the electors and its ratification by them, shall,
28 after the approval of such charter by the governor, be made in
29 duplicate and filed, one copy in the office of the ~~secretary of~~
30 ~~state~~ **LIEUTENANT GOVERNOR** and the other in the archives of the
31 city after being recorded in the office of said county
32 recorder. Thereafter all courts shall take judicial notice of
33 said charter.

34 **B.** The charter so ratified may be amended by amendments
35 proposed and submitted by the legislative authority of the city
36 to the qualified electors thereof (or by petition as hereinafter
37 provided), at a general or special election, and ratified by a
38 majority of the qualified electors voting thereon and approved
39 by the governor as herein provided for the approval of the
40 charter.

41 15. Article XXI, section 1, Constitution of Arizona, is proposed to be
42 amended as follows if approved by the voters and on proclamation of the
43 Governor:

1. Introduction in legislature; initiative petition;
election

Section 1. Any amendment or amendments to this constitution may be proposed in either house of the legislature, or by initiative petition signed by a number of qualified electors equal to fifteen per ~~centum~~ CENT of the total number of votes for all candidates for governor at the last preceding general election. Any proposed amendment or amendments which shall be introduced in either house of the legislature, and which shall be approved by a majority of the members elected to each of the two houses, shall be entered on the journal of each house, together with the ayes and nays thereon. When any proposed amendment or amendments shall be thus passed by a majority of each house of the legislature and entered on the respective journals thereof, or when any elector or electors shall file with the ~~secretary of state~~ LIEUTENANT GOVERNOR any proposed amendment or amendments together with a petition therefor signed by a number of electors equal to fifteen per ~~centum~~ CENT of the total number of votes for all candidates for governor in the last preceding general election, the ~~secretary of state~~ LIEUTENANT GOVERNOR shall submit such proposed amendment or amendments to the vote of the people at the next general election (except when the legislature shall call a special election for the purpose of having said proposed amendment or amendments voted upon, in which case the ~~secretary of state~~ LIEUTENANT GOVERNOR shall submit such proposed amendment or amendments to the qualified electors at said special election,) and if a majority of the qualified electors voting thereon shall approve and ratify such proposed amendment or amendments in said regular or special election, such amendment or amendments shall become a part of this constitution. Until a method of publicity is otherwise provided by law, the ~~secretary of state~~ LIEUTENANT GOVERNOR shall have such proposed amendment or amendments published for a period of at least ninety days previous to the date of said election in at least one newspaper in every county of the state in which a newspaper shall be published, in such manner as may be prescribed by law. If more than one proposed amendment shall be submitted at any election, such proposed amendments shall be submitted in such manner that the electors may vote for or against such proposed amendments separately.

16. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.